

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GIGAMON INC.,

Plaintiff,

v.

APCON, INC.,

Defendant.

Civil Action No. 2:19-cv-300-JRG

JURY TRIAL DEMANDED

PLAINTIFF GIGAMON INC.'S THIRD AMENDED TRIAL WITNESS LIST

Pursuant to the Court's February 22, 2021 Minutes For Pretrial Conference, Plaintiff Gigamon Inc. ("Gigamon") identifies the below witnesses for trial to the jury, who will be called to testify or may be called to testify. Gigamon reserves the right to call the witnesses listed on Apcon, Inc.'s ("Apcon") witness list without waving any right to object to Defendant's presentation of such witnesses at trial, without waiving any objections to the admissibility of any such testimony, and without waiving the right to move for the exclusion of any such testimony. Gigamon further reserves all rights to modify, amend, or supplement its witness list prior to or during trial based on case developments.

At this time, Plaintiff identifies the following witnesses for trial:

| | WITNESS, Employer, Topic of Testimony | WILL CALL | MAY CALL¹ |
|----|---|------------------|-----------------------------|
| 1. | Dr. Kevin Almeroth, University of California-Santa Barbara, Infringement/Validity | X | |

¹ Consistent with Gigamon's deposition designations as set forth in Exhibit 5 to the Parties' February 8, 2021 Joint Proposed Pretrial Order (Dkt. 236), Gigamon intends to call the following witnesses by deposition testimony: Rick Bradley, Brett Costelow, Mohit Jalori, Gerry Murphy, and Drew Walker.

| | WITNESS, Employer, Topic of Testimony | WILL CALL | MAY CALL¹ |
|-----|---|------------------|-----------------------------|
| 2. | Dr. Kevin Jeffay, University of North Carolina, Infringement/Validity | X | |
| 3. | Dr. Stephen Becker, Applied Economic Consulting Group, Inc., Damages | X | |
| 4. | ██████████, Gigamon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | X | |
| 5. | ██████████, Gigamon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |
| 6. | ██████████, Gigamon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |
| 7. | ██████████, Gigamon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |
| 8. | ██████████, Third Party, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | X | |
| 9. | ██████████, Third Party, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |
| 10. | Richard Rauch, Apcon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | X | |
| 11. | Rick Bradley, Apcon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |
| 12. | Brett Costelow, Apcon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |
| 13. | Mohit Jalori, Apcon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |
| 14. | Gerry Murphy, Apcon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |
| 15. | Drew Walker, Apcon, <i>see</i> Gigamon's 07/10/2020 Amended and Supplemental Initial Disclosures | | X |

Dated: April 2, 2021

Respectfully submitted,

/s/ William E. Davis, III

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Counsel for Plaintiff Gigamon Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on Defendant's counsel of record via electronic mail on April 2, 2021.

/s/William E. Davis, III
William E. Davis, III

